

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION**

**ROBERT JOHNSON, as personal
representative for the Estate of
IRENA JOHNSON,**

Plaintiff,

V.

**DENITA COLVIN; WILLIE EVA
BALDWIN, et al.,**

Defendants.

CASE NO.: 2:07-CV-1068-MHT

MOTION TO AMEND ANSWER

COMES NOW, Defendant Willie Eva Baldwin (“Baldwin”) in the above-styled cause, and requests this Honorable Court to allow her to amend her Answer a third time and as grounds states the following:

1. Plaintiff and Defendant Denita Colvin have entered into a Pro Tanto Stipulation of Dismissal. As such, this Defendant is now entitled to certain affirmative defenses that must be pled in her answer.

2. Baldwin understands the time to amend her pleadings has passed, but with the recent developments in this case, an amendment is warranted and necessary for Baldwin's defense.

3. Baldwin requests this Honorable Court to allow her to amend her Answer to supplement certain affirmative defenses that she did not have until Defendant Denita Colvin settled with Plaintiff. Said First Amended Answer is attached to this Motion as Exhibit “A”.

WHEREFORE, THESE PREMISES CONSIDERED, Defendant Willie Eva Baldwin requests this Honorable Court to allow her to amend her complaint.

/s/ David Henderson

DAVID W. HENDERSON (ASB-4048-D57H)
Attorneys for Defendant Willie Eva Baldwin

OF COUNSEL:

HILL, HILL, CARTER, FRANCO,
COLE & BLACK, P.C.
425 South Perry Street
P.O. Box 116
Montgomery, AL 36101-0116
(334) 834-7600

CERTIFICATE OF SERVICE

I hereby certify that I have this date electronically filed the foregoing with the Clerk of the Court using the Ala-File system and served a copy via United States Mail, postage prepaid, properly addressed this the 16th day of June, 2008 to the following:

Zachary T. Collins, Esq.
318 North Decatur Street
Montgomery, AL 36104

James A. Rives, Esq.
William Christopher Waller, Jr., Esq.
Ball Ball Matthews & Novak PA
P.O. Box 2148
Montgomery, AL 36102-2148

J. Lenn Ryals, Esq.
Ryals, Plummer, Donaldson,
Agricola & Smith, P.C.
60 Commerce Street, Ste. 1400
Montgomery, AL 36104

/s/ David Henderson

OF COUNSEL

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION**

**ROBERT JOHNSON, as personal
representative for the Estate of
IRENA JOHNSON,**

Plaintiff,

V.

**DENITA COLVIN; WILLIE EVA
BALDWIN, et al.,**

Defendants.

CASE NO.: 2:07-CV-1068-MHT

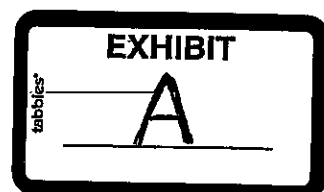
DEFENDANT WILLIE EVA BALDWIN'S FIRST AMENDED ANSWER

COMES NOW, Defendant Willie Eva Baldwin (“Baldwin”) in the above-styled cause, and amends her Answer to the Plaintiff’s Second Amended Complaint and states as follows:

1. This Defendant reasserts and incorporates herein by reference her previous responses and affirmative defenses plead in her previous answer to Plaintiff's original complaint, First Amended Complaint and Second Amended Complaint.
2. This Defendant asserts the following additional affirmative defenses of release, pro-tanto release, accord and satisfaction, set-off and/or credit for any monies paid to Plaintiff in way of settlement or for any other reason.
3. This Defendant pleads all other affirmative defenses in bar or abatement of the claims asserted against her in the complaint.

/s/ David Henderson

DAVID W. HENDERSON (ASB-4048-D57H)
RANDALL MORGAN (ASB-8650-R70R)
Attorneys for Defendant Willie Eva Baldwin



OF COUNSEL:

HILL, HILL, CARTER, FRANCO,
COLE & BLACK, P.C.
425 South Perry Street
P.O. Box 116
Montgomery, AL 36101-0116
(334) 834-7600

CERTIFICATE OF SERVICE

I hereby certify that I have this date electronically filed the foregoing with the Clerk of the Court using the Ala-File system and served a copy via United States Mail, postage prepaid, properly addressed this the 16th day of June, 2008 to the following:

Zachary T. Collins, Esq.
318 North Decatur Street
Montgomery, AL 36104

James A. Rives, Esq.
William Christopher Waller, Jr., Esq.
Ball Ball Matthews & Novak PA
P.O. Box 2148
Montgomery, AL 36102-2148

J. Lenn Ryals, Esq.
Ryals, Plummer, Donaldson,
Agricola & Smith, P.C.
60 Commerce Street, Ste. 1400
Montgomery, AL 36104

/s/ David Henderson
OF COUNSEL